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**Equal Justice Foundation**

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## **Former DA: domestic violence laws need reform**

### ***Social extremists pressure officials to ignore widespread injustices***

Richard B. Tuttle is a former deputy district attorney and prosecutor with the 21<sup>st</sup> Judicial District and now in private practice in Grand Junction, Colo.

*“The major problem we see in domestic violence cases is that law enforcement is required to make an arrest whenever there’s probable cause, but there’s such a low standard under Colorado law,” Tuttle said.*

*“If you have two people who are saying disparate things, then law enforcement will almost always err on the side of the women’s story. Police must not only file a charge against the man, but also must make an arrest.”*

The mandatory arrest law in these cases takes way too much discretion away from police. *“All other arrest situations require police discretion,” Tuttle notes. “Zero tolerance policies are ill-fated. Ultimately, a criminal justice system needs police in the street and professionals in the courtrooms to ferret out the truth.”*

*“There are real cases of domestic violence but a lot are overblown by what can happen in relationships and should not be handled criminally,” he said.*

An individual cannot be freed on bond in a domestic violence case without seeing a judge; so the man arrested on Friday night is held over until Monday, or Tuesday in the case of a holiday weekend. Such an incarceration period based only on hearsay is all the more onerous due to the low standard of probable cause.

Tuttle notes that when women are charged with domestic violence, the bond is often set much lower, or she is released on personal recognizance. Political influence has jaundiced the legal system’s view of domestic violence: a woman perpetrator is regarded as an isolated incident whereas a man is a much bigger threat particularly if he is present or former military.

Even in some cases of actual domestic violence, the need for restraining orders is sometimes way too sweeping, he says, and prevents contact with the man’s children.

Although people in the system rail against the law, they’re told to do their duty. *“They’re told this is the law, this is how we enforce; it’s not up to you to change it.”*

As to the Legislature, he says domestic violence has become *“a sound bite to sell to the public and is not consistent with what law enforcement and professionals want to see. And these are the people who know how the laws work in real life.”*

*“The legal system works well when people in the system use judgment; that’s why we elect district attorneys and sheriffs. When you have such sweeping laws, what’s the sense in electing them in the first place?”*

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***The Equal Justice Foundation is a non-profit organization that promotes progressive justice and civil liberties for all citizens. For more information, contact Dr. Charles Corry at (719) 520-1089, or e-mail him at [ccorry@ejfi.org](mailto:ccorry@ejfi.org). EJF’s Web site is [www.ejfi.org](http://www.ejfi.org) and the foundation also sponsors [www.dvmen.org](http://www.dvmen.org) dealing with domestic violence against men.***